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Indianapolis, Indiana 46285
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Legal Department - Patent Division

Date: November 17, 2005

To: Examiner Phuong N. Huynh, Ph.D.
Company: USPTO
Fax: 1-571-273-8300
Phone:

From: Lynn D. Apelgren
Fax: 317-276-5172
Phone: 317-276-6501
Total Pages: 22

Subject: Application No.: 10/788,940
Docket No.: X-16712B

PRIVILEGED AND CONFIDENTIAL COMMUNICATION**Message:**

Please see attached Reply to Restriction for filing in the above patent matter. Please confirm receipt. Thank you.

If there are any transmittal problems please call Kim Landers at (317) 277-1469.

This facsimile message is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via U.S. Postal Service.

Answers That Matter.

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FEE TRANSMITTAL

Effective December 8, 2004

TOTAL AMOUNT OF PAYMENT (\$120.00)

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	05-0840
Deposit Account Name	Eli Lilly and Company
<input checked="" type="checkbox"/> Charge Any Additional Fee Required	Charge the issue fee set in 37 CFR 1.18 at the time of allowance

FEE CALCULATION

1. In connection with the filing, search and exam fees

Code	Description	Fee	Fee Paid
1011	Basic filing fee (utility)	\$300.00	
1111	Utility search fee	\$500.00	
1311	Utility examination fee	\$200.00	
SUBTOTAL (1) (\$)			

Code	Total claims	Extra	Fee Paid
1202	— 20 =	X 50 =	\$

Independent claims

1201	— 3 =	X 200 =	\$
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1203	Multiple Dependent Claim	Yes or No	360 = \$ (if yes)
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1081	Claims and Excess Length Fees Total length (spec + drawings) — 100 = excess pages	\$
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No extra charge for first 100 pages. Must pay \$250 for each adtl 50 pages (or fraction thereof).

SUBTOTAL (2) (\$)	
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Complete if known

Serial No.	10/788940
Application Date	February 26, 2004
US Nat'l Entry Date (if applicable)	
First Named Inventor	HUSE William D
Group Art Unit	1644
Examiner Name	HUYNH, PHUONG N
Conf. No.	9547
Attorney Docket Number	X16712B

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge-late filing fee or oath	
1052	50	Surcharge-late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1251	120	Extension for reply within first month	120
1252	450	Extension for reply within second month	
1253	1,020	Extension for reply within third month	
1254	1,890	Extension for reply within fourth month	
1255	2,160	Extension for reply within fifth month	
1401	500	Notice of Appeal	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive-unavoidable	
1453	1,500	Petition to revive-unintentional	
1502	1,400	Utility issue fee (or reissue)	
122	130	Petitions to the Commissioner	
1801	790	Request for Continued Examination (RCE)	

Other fee (specify)

1202	— 20 =	X 50 =	\$
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Other fee (specify)

1201	— 3 =	X 200 =	\$
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Other fee (specify)

1203	Multiple Dependent Claim	Yes or No	360 = \$ (if yes)
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Other fee (specify)

1081	Claims and Excess Length Fees Total length (spec + drawings) — 100 = excess pages	\$
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11/21/2005 MBINAS 00000001 050840 10788940

01 FC:1251 SUBTOTAL 120.00 DA (\$120)

Complete (if applicable)

Reg. Number 45,343

Date

17 Nov 2005

SUBMITTED BY	
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Typed or Printed Name	Lynn D. Apelgren
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Signature	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,940	02/26/2004	William D. Huse	66797-398	9547

23885 7590 09/21/2005
ELI LILLY AND COMPANY
 PATENT DIVISION
 P.O. BOX 6288
 INDIANAPOLIS, IN 46206-6288

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X16912B
 EXAMINER
 HUYNH, PHUONG NART UNIT
 1644

PAPER NUMBER

DATE MAILED: 09/21/2005

Restriction 10-21-2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,940	HUSE, WILLIAM D.	
	Examiner	Art Unit	
	Phuong Huynh	1644	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 2/26/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____